



Montoya, Darlene <dmontoya@nmag.gov>

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## Rio Arriba Sheriff's Office Use of Force Policy

3 messages

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**Randy Sanches** <RSanches@rio-arriba.org>  
To: "dmontoya@nmag.gov" <dmontoya@nmag.gov>

Wed, Jan 25, 2017 at 9:30 AM

Ms. Montoya,

Attached are Policies on Use of Force for the Rio Arriba Sheriff's Office (RASO), please note these policies are dated August 2006 and current administration is in process of updating these as well as all other RASO Policy and Procedure.

Feel free to contact me if you have any questions or require further assistance.

*Captain Randy R Sanches*

**Rio Arriba County Sheriff's Office**  
[\(505\) 753-3329](#)



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[RASO Use of Force P&P.pdf](#)  
1207K

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**Montoya, Darlene** <dmontoya@nmag.gov>  
To: Randy Sanches <RSanches@rio-arriba.org>

Wed, Jan 25, 2017 at 10:42 AM

Thank you Captain Sanches. One of the items that the LEAB Subcommittee would also like to know is how often your officers receive training on this. If you could please let me know, I will print it out and attach it to the SOP.

[Quoted text hidden]

—  
Darlene Montoya, Administrator  
New Mexico Attorney General's Office  
408 Galisteo Street  
Santa Fe, New Mexico 87501  
[\(505\) 490-4854](#)

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**Randy Sanches** <RSanches@rio-arriba.org>  
To: "Montoya, Darlene" <dmontoya@nmag.gov>

Wed, Jan 25, 2017 at 11:31 AM

Our deputies receive an initial review of our Policies and Procedures upon initial hire. After that Use of Force becomes part of biannual recertification.

*Captain Randy R Sanches*

**Rio Arriba County Sheriff's Office**

**(505) 753-3329**



**From:** Montoya, Darlene [mailto:[dmontoya@nmag.gov](mailto:dmontoya@nmag.gov)]  
**Sent:** Wednesday, January 25, 2017 10:43 AM  
**To:** Randy Sanches <[RSanches@rio-arriba.org](mailto:RSanches@rio-arriba.org)>  
**Subject:** Re: Rio Arriba Sheriff's Office Use of Force Policy

[Quoted text hidden]

c. Gas and/or Car rental cards to the finance division.

THIS IS TO BE COMPLETED ON THE NEXT REGULAR WORK DAY

### 8-8 USE OF FORCE

#### I. POLICY

Deputies are confronted daily with situations requiring the use of force to effect an arrest or ensure public safety. The degree of force used depends on what the deputy perceives as reasonable and necessary under the circumstances at the time he or she decides to use force. Except for deadly force, the application of any degree of force is only justified when the deputy reasonably believes that it is necessary:

- A.. To prevent the escape from custody, make an arrest or an investigative detention of a person the deputy believes has committed a crime; or
- B.. To defend himself or herself or another person from what the deputy believes is the use of force while trying to arrest another, prevent his or her escape, or otherwise lawfully take the person into custody.
- C. Facts or circumstances unknown shall not be considered in later determining whether the force was justified. The Office expects deputies to observe the following two guidelines in all applications of force:
  1. Employ the minimum force reasonably necessary to accomplish a legal purpose.
  2. Deputies may resort to more severe methods of force to overcome either increasing resistance or an increasingly dangerous threat to public safety.
- D. The escalation in the use of force typically follows a pattern: verbal control, compliance techniques, defensive tactics (e.g., Baton), and finally deadly force. Deputies must understand how to recognize increasing or decreasing levels of threat and respond appropriately.
- E. When applying deadly force, deputies objective must be to "stop the action and incapacitate the suspect", not to kill, unless no other choice presents itself. The objective of the use of any force is to overcome the suspect's resistance to a deputy's lawful purpose: deputies shall avoid unnecessary or excessive applications of force.
- F. Deputies shall not unreasonably or unnecessarily endanger themselves, another deputy or the public when applying this policy.

#### II. PURPOSE

- A. To establish guidelines governing the use of force and its limitations, and to clearly describe prohibited activities.

#### III. DEFINITIONS:

##### B. Deadly Force Includes:

- I. Any use of force that is likely to cause death or serious bodily harm. The discharge of a firearm, intentionally or unintentionally, is always considered the use of deadly force.

##### C. Non-Deadly Force:

- I. Any use of force other than that which is defined as deadly force.

D. Reasonable Belief:

- i. The facts or circumstances the Deputy knows, or should know are such as to cause an ordinary and prudent person to act or think in a similar way under similar circumstances.

E. "Great Bodily Harm":

- i. "Great Bodily Harm" means bodily injury which creates a substantial risk of death or which is likely to cause serious permanent disfigurement or loss, or extended impairment of the function of any body member or organ.

F. Weapons:

- a. Weapons that frequently cause great bodily harm include:

1. Firearms
2. Cutting/Stabbing/Hacking instruments (edged or pointed weapons)
3. Blunt Trauma instruments (clubs, bats, pipes).

G. Excessive Force:

- i. Force is excessive when its application is inappropriate to the circumstances, resulting in serious physical injury or death to a suspect. The U.S. Supreme Court, in Graham V. Connor, recently set forth guidelines for determining whether force has been excessively applied: the primary concern is reasonableness in its application, as judged by the on-scene officer. Based on the reasonableness standard, the following considerations contribute to a determination of excessive force:

- a. The severity of the crime.
  - b. The nature and extent of the threat posed by the suspect.
  - c. The degree to which the suspect resists arrest or detention.
  - d. Any attempts by the suspect to evade arrest by flight.
2. In evaluating the reasonable application of force, deputies must consider their own age, size, strength, and skill level with Office weapons, state of health, and the number of deputies opposing the number of suspects.

IV. PROCEDURES FOR APPLICATION OF NON-DEADLY FORCE

- A. The Rio Arriba County Sheriff's Office trains deputies in the use-of-force continuum, emphasizing the recognition of and response to increasing levels of threat. Most instances in which force is applied is non-deadly. Deputies shall assess the incident to determine which technique will best defuse the situation and bring it under control. The following discussion reinforces key principles from training:

- i. VERBAL CONTROL: Verbal control refers to the manner in which the deputy speaks to a person, which of itself can effectively manage a situation. Verbal control includes advice, persuasion, admonitions, or orders. The volume and tone of the deputy's speech may also contribute to control without having to resort to another method of force. The Office urges the use of verbal commands without the use of profanity or disrespectful or argumentative behavior.

2. COMPLIANCE TECHNIQUES: At times, uncooperative people who refuse to be taken into custody may only respond to a combination of strength, leverage, take-downs, control holds, or come-a-longs with sufficient force to make a lawful arrest without aggravating tension or a suspect's combative ness. The object of this level of force is to gain control and enforce the suspect's compliance while minimizing the risk of injury to the deputies, bystanders, or the person being placed into custody. Where lesser levels of force appear ineffective, deputies may employ hands, fists, feet, and knees, and so on in striking an adversary, according to methods sanctioned through training.
3. DEFENSIVE TACTICS: The Office authorizes the carrying and use of the Baton as the only striking weapon for deputies: all other forms of striking or punching weapons are prohibited for carrying or use, including but not limited to saps, blackjack, slapping sticks, nunchaku and similar sticks, and brass knuckles. Deputies must be certified in the use of the baton. The weapon may be used in quelling confrontations involving physical violence where higher levels of force are unnecessary or inappropriate, and lesser levels are inappropriate or ineffective.
  - a. The expandable baton shall not be used to strike handcuffed individuals, nor to threaten or intimidate people.

## V. DEADLY FORCE

### A. FIREARMS - GENERAL:

1. Firearms may be used:
  - a. In defense of the deputy or others from what is reasonably believed to be an immediate threat of death or serious bodily harm; or
  - b. To prevent the escape of a fleeing felon whom the Deputy has probable cause to believe will pose a significant threat to human life should escape occur.
2. In evaluating a "significant threat", the deputy must reasonably believe that the person has either used deadly force in the commission of a crime or may inflict death or serious harm to the deputy or others if apprehension is delayed.
- 3.. Where feasible, deputies shall identify themselves and give a verbal warning before shooting.
4. To kill seriously injured or dangerous animals when no other disposition is reasonably practical. A supervisor's approval should be sought when possible.
5. In routine firearms training or practice at an approved range or for any legal sporting purpose.

### VI. SHOTGUN:

- A. Due to its wide shot dispersion, the shotgun will only be used when a possibility exists that the deputy will be dealing with an armed robbery in progress, searching for armed suspects, or answering calls when the complainant has indicated a person is armed.
- B. The Sheriff may approve the use of shotguns on raids and stakeouts when he/she believes that a threat to human life exists.
- C. Shotguns will be carried in all patrol units.

- D. Before beginning a tour of duty or at the end of each work day, deputies will inspect the shotgun assigned to the unit.
- E. Deputies will remove the shotgun from the unit when leaving the vehicle at any garage or service center for maintenance.
- F. During regular firearms qualifications, deputies will be required to demonstrate proficiency with the shotgun.
- G. The general rules for the use of firearms above apply to shotguns.

## VII. LIMITATIONS ON FORCE:

- A. The following acts associated with the use of force are prohibited.
  - 1. Firing into crowds.
  - 2. Firing a warning shot.
  - 3. Firing at or from a moving vehicle, except where the deputy reasonably believes that:
    - a. An occupant of the other vehicle is using, or threatening to use, deadly force by means other than the vehicle; or
    - b. A vehicle is operated in a manner deliberately intended to strike a deputy or a citizen, and all other reasonable means of defense have been exhausted (or are not present), which includes moving out of the path of the vehicle, and the safety of innocent persons would not be unduly jeopardized by the deputy's action.
  - 4. Firing into a building or through doors when the person fired at is not clearly visible unless the deputies are being fired upon from such building or through such door.
  - 5. Firing at a suspect when lesser force could be used and the deputy believes that the suspect can be apprehended reasonably soon thereafter without the use of deadly force, or when there is any substantial danger to innocent bystanders. (When in doubt, don't shoot.)
  - 6. Application of choke hold or carotid control holds, except when the deputy reasonably believes such holds are the only means of protecting him/herself or another person from imminent threat of serious physical injury or death.
  - 7. Use of Stream lights or Mag-lights or other flashlights as batons. A deputy may use a flashlight or other object designed for use other than a weapon ONLY to defend him/herself or another person from imminent serious physical injury or death and then ONLY if Officially sanctioned methods are not available or are impractical. The use of a flashlight under such circumstances shall be deemed an application of deadly force.
  - 8. The carrying or use of saps, blackjacks, or slapjacks.
  - 9. Use of deadly force against unarmed, non-dangerous fleeing felons, fleeing misdemeanants, or traffic offenders.
  - 10. Any use of force not reasonably necessary in light of the circumstances confronting the deputy.
  - 11. Any forcible enforcement action when off duty except in circumstances which seriously threaten life, valuable property, or public order.

## VIII. WEAPONS

### A. DUTY WEAPON

1. While on duty, a deputy shall carry a Office issued or approved weapon as outlined in Standard Operating Procedure # 1-16.
2. Any deputy who wishes to carry a personally owned weapon on duty must request permission, in writing, from the Sheriff. Weapons must be inspected and approved by the Office armorer. In addition, the weapon must fire Office issued ammunition and the deputy must qualify with the weapon as well as with Office issued weapons.
3. The Office armorer shall maintain a record of all weapons used by deputies either on or off duty. The record lists weapon descriptions, ammunition type issued, date of issue, and information pertaining to qualifications. Deputies shall annually review the records to ensure that they are up to date.

## IX. OFF-DUTY WEAPONS

- A. Deputies are encouraged, but not required, to carry a handgun when off duty. A deputy who elects not to carry a handgun while off duty shall not be subject to disciplinary action if an occasion should arise in which he/she could have taken police action if he/she were armed.
  1. (Exception) Off duty deputies while operating a Office vehicle shall be armed with an approved weapon.
  2. Deputies who carry off-duty weapons must understand that in some social situations (e.g., sports) the carrying of a firearm would be inappropriate.
  3. Deputies who have consumed alcoholic beverages shall not carry an off-duty weapon under any circumstances.

## X. AUTHORIZATION FOR USE OF FORCE

- A. Section 30-2-6, NMSA Statutes Annotated, 1978 comp., as amended states that:
  1. Police Officers are authorized to use deadly force in order to protect the officer or others from what is reasonably believed to be an immediate threat of death or serious physical injury.
  2. When necessarily committed in re-taking felons when the officer has probable cause to believe that the escape will pose a significant threat to human life if not re-captured.
    - a. Relevant factors in determining whether probable cause exists to believe that the fleeing felon will pose a significant threat to human life will include but are not limited to, the nature of the felony and whether the felon is believed to be armed.
  3. For the purposes of this section, justifiable homicide is necessarily committed when an officer in performance of lawful duties has probable cause to believe he/she or another is threatened with serious harm or deadly force while performing those lawful duties described in this section.
  4. Before using deadly force, police officers shall, where feasible, identify themselves and state their intent.

- B. Where deadly force is not reasonable Deputies should assess the incident in order to determine which less lethal force or weapon will be best to de-escalate the incident, as follows:
- I. Deputy Sheriff's are authorized to use department approved less lethal force techniques and issued equipment for resolution of incidents as follows:
    - a. To protect themselves or another from physical harm;
    - b. To restrain or subdue a resistant individual; or
    - c. To bring an unlawful situation safely and effectively under control.

## XI. SHOW OF FORCE

### A. PURPOSE

- I. To convince the subject to de-escalate.
  - a. If the Deputy can demonstrate a tactical advantage, and/or the availability of equipment to subdue an individual, the desired outcome is:
    - I. The subject will comply with the Deputy requests, or de-escalate their action when it is demonstrated that the Deputy is trained and prepared to use force if necessary.
2. Reduction in Reaction Time
  - a. If an armed or unarmed assailant closes the distance and moves from threatening to attacking, the Deputy must mentally "process" the attack information, draw his/her firearm or less-lethal option and use it in self-defense or defense of another.
  - b. If the force option is still in the holster or carrier, the Deputy may not have sufficient time to make the decision and act before the attack is completed.
  - c. When feasible, Deputies should warn of their intentions and that the use of force is imminent.

## XII. REPORTING USE OF FORCE

- A. Deputies shall document any application of force, except for those arising in training or Official demonstrations.
- B. If Deputies have employed any degree of force, they shall:
  1. Immediately notify their commander of any use of physical force.
  2. Submit an offense/incident report, which describes the incident fully, to include any medical services rendered to the suspect and/or the deputy.
- C. The On-Duty Supervisor will:
  1. Investigate and submit a completed use-of-force incident report form.
  2. Collect and submit evidence, as appropriate.
  3. Review and ensure that the offense/incident report and all required paper work is completed as per departmental policy and procedure.
  4. Submit a copy of the investigation to the Sheriff within twenty-four (24) hours of being notified of all incidents of use of force by a Deputy.

- D. The Internal Affairs Deputy shall be contacted for the purpose of initiating an investigation in any of the following instances:
1. At the request of the Sheriff, or his/her designee;
  2. When a use of force results in death or serious injury;
  3. When a complaint of excessive force is received and filed in accordance with departmental procedures for filing such matters.

**XIII. REPORTING SHOW OF FORCE**

- A. A show of force will be documented and a use of force incident report will be submitted only when a firearm is directly pointed at an individual or a show of force incident that the on-duty Supervisor deems necessary.
- B. The Deputy displaying the force shall:
  1. Notify the On Duty Supervisor.
  2. Complete Offense/Incident Report.
  3. Collect and submit all evidence.
- C. The On Duty Supervisor will:
  1. Investigate and submit a completed use-of-force incident report form.
  2. Review and ensure that the Offense/Incident Report and all required paperwork is completed as per Departmental Policy and Procedure.
  3. Submit a copy of the investigation to the Sheriff within twenty-four (24) hours of being notified of all incidents of use of force by a Deputy.
- D. The Internal Affairs Deputy shall be contacted for the purpose of initiating an investigation in any of the following instances:
  1. At the request of the Sheriff, or his/her designee.
  2. When a complaint of excessive force is received and filed in accordance with Departmental Procedures for filing such matters.

**XIV. MEDICAL TREATMENT REQUIRED**

- A. WEAPONS
  - I. Any application of force, creating a direct physical impact, by use of a firearm, baton, pepper or chemical spray, M-26/X-26 Advanced Taser, 37/40-mm Projectile or 12 ga. Bean Bag shall require the Deputy to have the subject examined by a qualified physician.
    - a. The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.
- B. HAND TO HAND COMBAT
  - I. Any application of force, where there is direct physical impact, that causes visible injury or the complaint of injury, whether visible or not, shall require the Deputy to have the subject examined by a qualified physician.
    - a. The examination shall occur as soon as safely possible after the application of force, and prior to incarceration or any other action.

C. DOCUMENTATION OF MEDICAL TREATMENT

1. The subject will be asked to sign a release of medical information waiver in order for the Deputy to obtain copies of the physician's assessment of injuries. If the subject agrees, copies of the assessment will be obtained and attached to the Deputy's report.
2. In the event the subject refuses treatment, the subject will be asked to sign a treatment waiver.
  - a. If the subject agrees to sign the waiver, a copy of that waiver will be included in the Deputy's report.
  - b. If the subject refuses to sign the waiver, the Deputy will note in the Offense/Incident Report the refusal to sign and the identification of the attending physician or nurse witnessing the refusal to sign.
  - c. The Deputy will obtain a medical release from the attending physician prior to transporting the subject to the Detention Center. A copy of the medical release shall be provided to the Detention Center and one retained for the Offense/Incident Report.
3. In the event that visible injuries are inflicted, the On Duty Supervisor shall ensure that the injuries are photographed, with the consent of the subject.
  - a. If the subject refuses to allow photographs, this will be documented in the Offense/Incident Report to include the identification of any witnesses to the refusal.

XV. OFFICIAL RESPONSE

A. DEADLY FORCE INCIDENT

1. When a Deputy's use of force causes a death or serious bodily harm, the On-Duty Shift Commander will notify the Sheriff or Undersheriff immediately.
2. When a Deputy's use of force causes a death or serious bodily harm, the Deputy shall be placed on routine administrative leave until all internal investigative requirements as outlined in the Internal Affairs Policy have been met and the Deputy has been determined to be ready to return to duty by a qualified mental health professional.
3. The Sheriff's Office shall conduct an administrative investigation and comply with the policy of the District Attorney's Office for any independent criminal investigation that may result.
4. The Sheriff's Office will provide all Sheriff's Office employees the opportunity to attend a critical incident debriefing conducted by trained staff and follow up treatment or counseling.

B. ADMINISTRATIVE REVIEW OF CRITICAL INCIDENTS

1. The Sheriff shall appoint a committee to review all use of force incidents. The committee shall be comprised of the following individuals:
  - a. The Internal Affairs Deputy
  - b. One Commander.
  - c. One line Deputy
2. All reported use-of-force cases will be reviewed by the use of force review committee to determine the following:
  - a. Was the use of force appropriate/reasonable under the circumstances at the time;

- b. Were Sheriff's Office rules, policy or procedures adhered to;
  - c. Was the relevant policy clearly understandable and effective to cover the situation;
  - d. Is the current Sheriff's Office training adequate.
3. All findings shall be reported to the Sheriff and to the appropriate unit for resolution.
    - a. All findings and recommendations by the committee shall also be provided to the involved Deputy and his/her immediate Supervisor.
  4. The committee is a review committee and shall be allowed to review all available information including, but not limited to:
    - a. Offense/Incident Report and all Supplements;
    - b. Use of Force form;
    - c. Radio tapes;
    - d. Written or taped statements by any involved person;
    - e. Any evidence submitted;
    - f. Interview of any involved employee, if necessary to assure appropriate recommendations/findings.
  5. All use-of-force complaints shall be retained in accordance with New Mexico State archive records retention schedules.
  6. A quarterly, and an annual summary of all reviewed incidents will be compiled by the Internal Affairs Deputy and provided to the Sheriff for review. The annual summary will also be made a part of the Sheriff's Office annual report.

**NOTICE:** This directive is for Sheriff's Office use only and does not apply to any criminal or civil proceeding. The Sheriff's Office standard should not be construed as a creation of a higher legal standard of safety or care in an evidentiary sense with respect to third party claims. Violations of this directive may result in Sheriff's Office Administrative sanctions.

#### S.O.P NUMBER 8-9 LESS LETHAL WEAPONS

##### I. POLICY

The Rio Arriba County Sheriff's Office recognizes the need to provide the use of non-deadly force in the defense of a deputy or other persons. To such an end, the use of the expandable baton, Oleoresin Capsicum (OC) Spray, M-26/X26 Taser, 37/40mm Projectile and/or 12 ga. Beanbag rounds have been authorized to deputies certified in its use in order to provide an alternative to the use of deadly force when appropriate.

##### II. PURPOSE

To establish procedures for the availability and use of the expandable baton, OC Spray, M-26/X26 Taser, 37/40mm Projectile and/or 12 ga. Beanbag rounds as non-deadly means of defense when appropriate.

Less Lethal weapons are not intended to be an alternative to the use of deadly force when such use is clearly authorized and necessary.

Less Lethal options for the Rio Arriba Sheriff's Office may vary as to their availability. The lease

intrusive level of force should be deployed based upon the facts/circumstances for each individual incident

### III. PROCEDURES

**BATON: THE DEPARTMENT ISSUED EXPANDABLE BATON IS THE ONLY AUTHORIZED BATON FOR USE BY SWORN DEPARTMENT PERSONNEL:**

- A. The expandable baton shall be issued and carried only by Deputies who have completed the Department's baton training.
- B. Uniformed Deputies assigned regular field duties will carry the baton as part of required equipment.
- C. Plain clothes and administrative Deputies will be required to have the baton readily accessible, in their police vehicles while on duty.
- D. Deputies are responsible for ensuring the baton is in good condition. Broken or otherwise unserviceable batons will be replaced as soon as a defect is noted.
- E. The baton is to be used as a defensive weapon only. Its use shall be governed by department criteria and the use of force policy.
- F. Use of the baton as an offensive weapon, or intentional misuse of the baton, may subject the violator to disciplinary action.
- G. The baton shall remain in the holster until such time as the Deputy perceives an apparent threat.

### IV. TRAINING

#### A. Initial Certification:

All deputies shall satisfactorily complete an eight (8) hour certification course on the use and application of the baton prior to receiving authorization to carry the weapon.

#### B. Annual Certification:

All deputies shall attend a four (4) hour re-certification course annually on the use and application of the baton.

### V. OLEORESIN CAPSICUM (OC) SPRAY INITIAL CERTIFICATION

- A. All Deputies shall satisfactorily complete a four (4) hour certification course on the use of force, use of application of OC Spray prior to receiving authorization to carry OC Spray.

### VI. BIENNIAL CERTIFICATION

- A. All Deputies shall receive refresher training every two (2) years on the use and application of OC Spray.
- B. OC Spray shall be issued to and used only by Deputies who have completed the Department's OC Training.
- C. OC Spray will not be drawn and/or used against an individual holding a deadly weapon. OC Spray is not intended as an alternative to the use of deadly force when such use is clearly authorized and necessary.

- D. When all reasonable efforts have failed to calm a person who is acting violently and presenting a danger to himself or others, a minimum stream may be fired at the person in accordance with manufacturers recommendations and departmental training received. (Two one second bursts).
- E. The OC Spray will be used only to terminate violent behavior, or the threat of violent behavior, which could result in injury to the officer, other persons, or the violent individual.
- F. OC Spray should not be discharged in the immediate vicinity of an infant, unless the infants life is in danger, since their respiratory system is developing and especially sensitive to irritating vapors.
- G. OC Spray will normally be discharged from a distance of at least six (6) feet. Bursts at any closer than three (3) feet may cause eye damage and should only be used in extreme conditions where serious bodily harm to the Deputy or other persons may be imminent.
- H. Only under conditions which represent an extreme hazard (Potential threat of serious injury or death to the Deputy or others) will the OC Spray be used in the following manner:
  - 1. Prolonged discharge at any effective distance into the face of a person already incapacitated or not responding to normal application of the chemical agent formulation who is continuing an assault may result in serious injury.
  - 2. Discharge of large quantities of the chemical irritant in a confined space such as a small room or closed automobile.
  - 3. Discharge OC Spray in close proximity of an infant.

## VII. M-26/X-26 ADVANCED TASER

### A. POLICY

- 1. It is the policy of the Rio Arriba County Sheriff's Office to utilize the M-26/X26 Advanced Taser on individuals who:
  - a. A Deputy has probable cause to believe have committed a violent felony and are attempting to avoid apprehension.
  - b. Armed with a deadly weapon and/or has the ability to inflict great bodily harm on another.
  - c. Are fleeing to avoid being served with an arrest warrant.
  - d. A Deputy has probable cause to believe have committed a crime and use is necessary to effect arrest and the individual is physically resisting arrest.
  - e. Need to be restrained for their safety.
  - f. Are Attempting to actively resist or batter an officer.
  - g. Are physical threats to the safety of another.
- B. TASER USERS SHALL ADHERE TO ALL WARNINGS AS OUTLINED IN ADVANCED TASER CERTIFICATION.
- 1. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. Deputies should assess the situations where force is warranted. Deputies shall use only that force which is reasonably necessary to effect lawful objectives.

2. Deputies will be trained and familiarized with the Reactive Control Model prior to use of an M-26/X26 Advanced Taser.

**IX. TASER TRAINING:**

**A. INITIAL CERTIFICATION**

1. All Deputies shall satisfactorily complete a ten (10) hour certification course on the use and application of the M-26/X-26 Advanced Taser, prior to receiving authorization to carry the weapon.

**B. ANNUAL CERTIFICATION**

1. All Deputies shall attend a four (4) hour re-certification course annually on the use and application of the M-26/X-26 Advanced Taser.

**XI. DOCUMENTATION**

- A. It shall be the Policy of the Rio Arriba County Sheriff's Office to document any use of the Advanced Taser.

**I. ON DUTY FIELD DEPLOYMENT**

- a. Rio Arriba Sheriff's Office Offense/Incident Report
- b. Rio Arriba Sheriff's Office Use of Force report
- c. Advanced Taser report
- d. Photograph
- e. If an Advanced Taser cartridge is deployed it shall be submitted as evidence as outlined in Advanced Taser Training.
- f. Deputy(s) will update User Log.

**B. ADVANCED TASER FUNCTION TEST(S)**

1. Deputies will update copies of log forwarded to the Sheriff on the first Monday of each Month.

**C. TRAINING**

1. It shall be the responsibility of the Advanced Taser Instructor to document the following information when conducting training:

- a. The Serial Number of Advanced Taser(s) utilized.
- b. All Advanced Taser Cartridges Deployed.
- c. Dates and Times of Training.
- d. Personnel attending the Training.

Copies of all Advanced Taser Users will be forwarded to the Sheriff and/or his designee for tracking and review.

## XII. DEFINITIONS

### A. M-26/X-26 ADVANCED TASER

1. Less-Lethal Conducted Energy Weapons that use propelled wires to conduct energy to a remote target, thereby controlling and effecting the central nervous system of the body.
2. Conducted Energy Weapons are effective because they affect the central nervous system of the human body. The human nervous system communicates by means of simple electrical impulses. The Advanced Taser sends out short duration, high voltage electrical waves or Taser-Waves or T-Waves that overpower the normal electrical signals within the nerve fibers.
3. Electro-Muscular Disruption (EMD) systems override the central nervous system and take direct control of the skeletal muscles. The Advanced Taser is an EMD system and affects the sensory and motor nervous system. The EMD systems directly cause the muscles to contract.

## XII. 37/40 MM PROJECTILE AND/OR 12 GAUGE BEAN BAG

### A. POLICY

It is the Policy of the Rio Arriba County Sheriff's Office to utilize the 37/40 mm Projectile and/or the 12 ga. Bean Bag on individuals who:

1. A Deputy has probable cause to believe have committed a violent felony and are attempting to avoid apprehension. The individual is armed with a deadly weapon and/or poses the ability to inflict great bodily harm.
  2. Are fleeing to avoid being served with an arrest warrant and the individual poses a threat to the safety of the community.
  3. Is armed and there is a need to be restrained for his own safety.
  4. Under Aggravated circumstances are attempting to actively resist or batter an officer.
  5. After-action photographs shall be taken of any individuals subjected to this measure.
- B. In order to determine which technique or weapon will reasonably de-escalate the incident and bring it under control safely. The Deputy shall assess the situations where force is warranted. Deputies shall use only that force which is reasonably necessary to effect lawful objectives.
- C. Deputies will be trained and familiarized with the Reactive Control Model prior to use of a 37/40 mm Projectile and/or the 12 ga. Bean Bag.

### A. INITIAL TRAINING

1. All Deputies shall satisfactorily complete a two (2) hour certification course on the use and application of the Projectile Launcher and 12 ga. Bean bag round. All Deputies must qualify with each weapon prior to receiving authorization to carry the weapon.

### B. ANNUAL CERTIFICATION

All Deputies shall attend a qualifications course annually on the use and application of the Projectile Launcher and/or 12 ga. Bean bag round.

### XIII. MEDICAL TREATMENT REQUIRED

#### A. BATON

1. Medical Treatment procedures as outlined in the Use of Force Directive.
2. First Aid shall be rendered by paramedics and/or trained medical personnel.
3. After the subject is treated, the Deputy will obtain a signed medical release form from the attending physician for Detention Personnel.
4. Failure to provide appropriate care after exposing a person to a baton strike is considered a violation of this policy.
5. After-action photographs shall be taken of any individuals subjected to this measure.

#### B. OC SPRAY

1. Medical Treatment procedures as outlined in the Use of Force directive shall be followed.
2. The contaminated area will be flushed with water.
  - a. The time between OC exposure and wash-up should be as soon as possible.
3. No deputy shall apply nor permit another person to apply oil or grease medications such as butter, cold cream, lanolin, Vaseline, lotion or salves which could trap the irritant to the skin and thereby cause blistering unless authorized by a physician.
4. Exposed areas should not be bandaged; the areas should be exposed to fresh air for evaporation.
5. Upon exposing a person to the OC Spray the Deputy will request Emergency Medical Technicians or Paramedics to the scene. The person exposed will be transported to the Espanola Hospital Emergency Room for treatment. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the Deputy. Prior to arriving at the Emergency Room, the Deputy will request Central Dispatch notify hospital staff that a person contaminated with OC Spray is being transported.
6. After the subject is treated, the Deputy will obtain a signed medical release form from the attending physician for Detention Center Personnel.
7. Upon arrival at the Detention Center, the Deputy will notify jail staff that the subject and his/her clothing has been contaminated by OC Spray.
8. Failure to provide appropriate care after exposing a person with OC Spray is considered a violation of this policy.
9. After-action photographs shall be taken of any individuals subjected to this measure.

#### C. M-25/K-26 ADVANCED TASER

1. Medical treatment procedures as outlined in the Use of Force directive shall be followed.
2. The affected area will be:
  - a. Checked by User as soon as safely possible and first aid rendered to the Users level of training.

- b. If Probes are discharged and penetrate the skin the User may remove the Probes as outlined in Department training.
    - 1. Photographs should be taken before and after removal,
    - 2. Deputies shall have the individual transported to a medical facility (Española Hospital) for Probe removal as outlined in Advanced Taser certification.
  - 3. First Aid shall be rendered by paramedics and/or trained medical personnel.
  - 4. Upon exposing an individual to the M-26/X-26 Advanced Taser in the Taser/stun mode the Deputy will request Emergency Medical Technicians or Paramedics to the scene. The person exposed will be transported to the Española Hospital Emergency Room. The paramedics will assess the subject on scene and make the determination to transport by ambulance or by the Deputy. Prior to arriving at the Emergency Room, the Deputy will request dispatch to notify hospital staff that a person who has received a Taser/stun cycle is being transported.
  - 5. After the subject is treated, the Deputy will obtain a signed medical release form from the attending physician for Detention Center personnel.
  - 6. Failure to provide appropriate care after exposing a person to the M-26/X-26 Advanced Taser is considered a violation of this policy.
  - 7. After-action photographs shall be taken of any individuals subjected to this measure.
- D. 37/40 MM PROJECTILE AND/OR 12 GA. BEAN BAG
- 1. Medical Treatment procedures as outlined in the Use of Force directive shall be followed.
  - 2. The affected area will be:
    - a. Checked by the User as soon as safely possible and first aid rendered to the Users level of training.
      - 1. Photographs should be taken as soon as possible.
  - 3. First aid shall be rendered by paramedics and/or trained medical personnel.
  - 4. Upon exposing an individual to the 37/40-mm and/or the 12 Gauge Bean Bag the Deputy will request Emergency Medical Technicians or Paramedics to the scene. The person exposed will be transported to the Española Hospital Emergency Room. The paramedics will assess the subject on scene and make a determination to transport by ambulance or by the Deputy. Prior to arriving at the Emergency Room, the Deputy will request Dispatch notify hospital staff that a person who has received a projectile baton or beanbag strike, is being transported.
  - 5. After the subject is treated, the Deputy will obtain a signed medical release form from the attending physician for Detention Center personnel.
  - 6. Failure to provide appropriate care after exposing a person to the projectile baton or beanbag is considered a violation of this policy.

#### XIV REPORTING

- A. Deputies will photograph the persons affected area as soon as possible, under normal circumstances whenever a less lethal weapon is deployed.
- B. A use-of-force form shall be completed and submitted to the Sheriff any time the expandable baton, OC Spray, M-26/K-26 Advanced Taser, 37/40-mm Projectile, and/or the 12 ga. Beanbag is utilized as a weapon. Use-of Force forms will be completed and submitted in accordance with the use of force policy.
- C. All additional deployment forms will be completed and submitted to the Sheriff and/or to his appropriate tracking unit, i.e; Offense/Incident Report, Criminal Complaints/Probable Cause Statements, and Taser Use Report.
- D. Video Recordings and/or photographs shall be submitted to the Evidence Custodian as evidence.

#### S.O.P NUMBER 8-10 PROTOCOL

##### I. PURPOSE

- A. The purpose of this Standard Operating Procedure is to provide guidelines and standards for Sheriffs Office personnel conduct dealing with the public and official staff.

##### II. POLICY

- A. In an effort to professionalize deputy/citizen relations, and deputy/deputy relations, the following procedures have been adopted.

##### III. DEPUTY/CITIZEN RELATIONS

- A. A deputy is expected to be dressed and groomed in compliance with Official regulations pertaining to the deputy's assignment.
- B. While interacting with the public, a deputy is expected to be courteous, well-mannered, respectful, and helpful in all of his/her professional dealings.
- C. A deputy will address citizens as "Sir, Ma'am, Mr. or Mrs." in all cases not posing life threatening situations.
- D. Deputies in contact with the public will not chew gum, smoke, or chew tobacco, unless permission is first obtained from the party or parties present.
- E. Deputies will conduct themselves in a professional manner while in contact with the public, No horse play, clowning, or frivolous actions will be permitted.

##### IV. DEPUTY/DEPUTY RELATIONS

- A. On-duty deputies are expected to interact with fellow deputies and/or civilian employees and supervisors in a professional, courteous manner befitting their position and/or rank outlined in Standard Operating Procedure # 1-8.
- B. While addressing an on-duty supervisor in public, the deputy will address the respective supervisor by rank and last name, or by "Sir", "Ma'am".
- C. Commanders and supervisors are to address deputies of subordinate rank in an appropriate manner as befits their position/title, i.e., Detective, Deputy, etc.